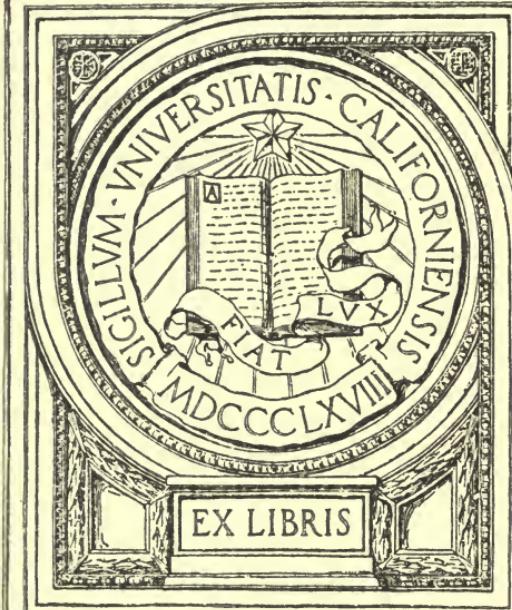


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U.S. Congress, House, Committee on Interstate
and Foreign commerce.

CHANGE NAME OF GRAND RIVER TO COLORADO RIVER.

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MAY 25, 1921.—Referred to the House Calendar and ordered to be printed.

Edward F.

Mr. DENISON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. J. Res. 32.]

The Committee on Interstate and Foreign Commerce, to whom was referred the resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River, having considered the same, report thereon with the recommendation that it do pass.

The resolution is as follows:

JOINT RESOLUTION To change the name of the Grand River in Colorado and Utah to the Colorado River.

Whereas the Colorado River, which traverses or forms the boundaries of the States of Utah, Arizona, Nevada, and California, is formed by the junction of the Grand and Green Rivers, in the State of Utah; and

Whereas the Colorado River was discovered in the year 1540 and was given various names until about 1620, when it was definitely named the Rio Colorado of the West, and has ever since been known throughout the world as the Colorado River; while the two main forks of the Colorado River were not discovered until about the year 1776, and were given some eight or ten different names during the following fifty years when they finally became generally known as the Grand and Green Rivers; and

Whereas the so-called Grand River is and always has been in reality and by official measurement the main stream and principal source of water supply of the said Colorado River, and historically and for every other reason, should have been originally named and ever since known as the Colorado River throughout its entire length, from its source in the Rocky Mountain National Park in the State of Colorado, to its confluence with the Green River in Utah, and thence to its mouth in the Gulf of California; and

Whereas, by the Act of Congress approved February 28, 1861, providing for the organization of the Territory of Colorado, the Territory was named Colorado "for the reason that the Colorado River arose in its mountains and there was a peculiar fitness in the name," and also because "the name Colorado is more appropriate and more harmonious, and is the handsomest name that could be given to any Territory or State" (Congressional Globe, February 4, 1861, volume 31, part 2, Thirty-sixth Congress, second session, pages 729 and 766; and Hall's History of Colorado, volume 1, page 258); and

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Whereas the Legislature of the State of Colorado by unanimous vote of both the Senate and House of Representatives of the Twenty-third General Assembly has recently passed the following bill:

"A bill concerning the change of the name of the Grand River to the Colorado River.

"Be it enacted by the General Assembly of the State of Colorado, That the name of the Grand River in Colorado is hereby changed to the Colorado River, by which name said river shall hereafter be known, from its source to where it crosses the western boundary of the State of Colorado.

"SEC. 2. The change of the name of said river shall in no wise affect the rights of this State, or of any county, municipality, corporation, association, or person; and all laws, records, surveys, maps, and other public or private documents of every kind and nature in which the said river is mentioned or referred to under or by the name of the Grand River shall hereafter refer to the same river and with the same purport and effect under and by the name of the Colorado River";

Which act was approved by the governor and became a law of that State on March 24, 1921: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the river heretofore known as the Grand River, from its source in the Rocky Mountain National Park in Colorado to the point where it joins the Green River in the State of Utah and forms the Colorado River, shall be known and designated on the public records as the Colorado River.

SEC. 2. That the change in the name of said river shall in no wise affect the rights of the State of Colorado, the State of Utah, or of any county, municipality, corporation, association, or person; and all records, surveys, maps, and public documents of the United States in which said river is mentioned or referred to under the name of the Grand River shall be held to refer to the said river under and by the name of the Colorado River.

A similar resolution to this was introduced by Mr. Taylor of Colorado in the Sixty-sixth Congress as H. J. Res. 460, and the then chairman of this committee referred that resolution to the Department of the Interior with the request that the Secretary should report thereon generally, and also (a) as to the authority of Congress to enact this legislation; (b) as to whether or not it would be more appropriate for the State Legislatures of Colorado and Utah to consider and act upon the subject; and (c) as to whether or not there were any precedents for this measure. Former Secretary Payne reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1921.

Hon. JOHN J. ESCH,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR MR. ESCH: I am in receipt of your letter of January 28, 1921, indorsing copy of House joint resolution 460, to change the name of the Grand River in Colorado and Utah to the Colorado River, and asking for an expression of opinion as to the jurisdiction of Congress to enact such a bill, whether it would be more appropriate for the States or Congress to consider such a measure, and whether there are any precedents for the action proposed.

In reply I have to advise you that the Grand River is an interstate stream, rising in and traversing the State of Colorado, passing through a part of the State of Utah, and forming, in conjunction with the Green River, the Colorado River, which, after passing through or forming the boundaries of a number of States, enters the Republic of Mexico, and empties into the Gulf of California.

As you are aware, under the Constitution and decisions of the Supreme Court of the United States, the jurisdiction of Congress over navigable rivers in matters relating to navigation and fisheries is defined, and while the question is open to some discussion, it is contended that this jurisdiction extends not only to the navigable portion of a stream but to the upper or nonnavigable portions which feeds the main stream. Whether this be true or not, it is clear that Congress would have this jurisdiction not

only over streams now actually navigable in fact, but over those portions which can be made navigable by dams or other public works. Then, too, Congress has consistently exercised jurisdiction over interstate matters, such as interstate railroads, power lines, etc.

I do not believe that the changing of the name of an interstate stream should be left to State legislatures, and am of opinion, therefore, that such a measure as this should be considered by Congress, because of the interstate character of the stream and because water appropriations, power appropriations, county boundaries, and numerous Federal, State, and county records now designate the stream as Grand River. It would be less confusing and would obviate legal questions if the change is specifically authorized by congressional action.

The only thing in the nature of a congressional precedent which I have been able to find is a joint resolution approved June 19, 1852 (vol. 10, p. 147, U. S. Stat. L.), wherein the name of a river in the Territory of Minnesota, theretofore known as St. Peters, was changed to the Minnesota River.

If Congress shall deem it advisable to enact the measure, this department has no objection to interpose thereto.

Cordially, yours,

JOHN BARTON PAYNE, *Secretary.*

The chairman also referred that resolution to the War Department for a report, and the Secretary of War reported thereon as follows:

WAR DEPARTMENT, *February 1, 1921.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

So far as the interests committed to this department are concerned, I do not know of any objection to the favorable consideration by Congress of the accompanying bill, House joint resolution 460, present session, to change the name of the Grand River, in Colorado and Utah, to the Colorado River.

W. R. WILLIAMS,
Assistant Secretary of War.

The chairman also referred that resolution to the United States Geological Survey for report as to the history, nomenclature, description, source of supply, water flow, etc., of each of the three rivers referred to in the resolution, and the director, under date of February 16, 1921, made a very complete and elaborate report, which is set forth in full in the hearings; but owing to its length it is deemed unnecessary to include it in this report. (See also Water-Supply Paper No. 395, "Colorado River and its utilization.") From these reports it will be observed that the measure meets with the approval of both the Interior and War Departments.

It was shown at the hearing that by "the treaty of peace, friendship, limits, and settlements, between the United States of America and the Mexican Republic," known as "the treaty of Guadalupe-Hidalgo," which was concluded between our country and Mexico on February 2, 1848, and duly ratified by both countries and proclaimed on July 4, 1848, article 6 expressly provides that the Colorado River is a navigable stream from the Gulf of California up into the United States. And by the amended treaty with Mexico, of June 30, 1854, known as "the Gadsden treaty," these same provisions were continued and are still in force and effect. So that the Colorado River is an international stream and the lower portion of the river is both by an international treaty, and by actual fact, navigable for a distance of something like 300 or 400 miles.

The State of Colorado has by its general assembly enacted a law expressly changing the name of that part of the Grand River in Colorado and naming it the Colorado River. That State law was passed by a unanimous vote of both houses of the Colorado Legisla-

ture, and was approved by the governor on March 24, 1921, and is as follows:

An act concerning the change of the name of the Grand River to the Colorado River.

Be it enacted by the General Assembly of the State of Colorado, That the name of the Grand River in Colorado is hereby changed to the Colorado River, by which name said river shall hereafter be known, from its sources to where it crosses the western boundary of the State of Colorado.

SEC. 2. The change of the name of said river shall in no wise affect the rights of this State, or of any county, municipality, corporation, association, or person; and all laws, records, surveys, maps, and other public or private documents of every kind and nature, in which the said river is mentioned or referred to under or by the name of the Grand River, shall hereafter refer to the same river and with the same purport and effect, under and by the name of the Colorado River.

The hearing also disclosed that this measure has practically the unanimous approval of the Colorado people generally, and the officials and municipalities and counties along and adjacent to the Grand River in Colorado, and also the State Historical Society and many other patriotic and public-spirited organizations and newspapers throughout the State.

So that in reality there is at this time only the small part of that river from the eastern boundary of Utah to its junction with the Green River, a distance of about 80 miles, that is now officially called the Grand River.

The Utah Legislature at its recent session had before it a resolution providing for the changing of the name of that portion of the stream in Utah and to call it the Colorado River. The matter was taken up late in the session and was referred for consideration to the member of the legislature from that part of the State, the Hon. C. A. Hammond, of Moab, Utah, which town is on that portion of the Grand River. Mr. Hammond was taken ill and died and the resolution was, therefore, never formally acted upon; and the Legislature of Utah will not meet again for two years. However, it may be generally stated that there is no opposition on the part of Utah to the change. In fact, the governor of the State of Utah and the local people and their Representatives seem to all be in favor of it.

The reason it is sought to pass this resolution rather than to await the action of the Utah Legislature some time in the future is because the State and the people of Colorado are desirous of having the change made without waiting two or three years, and also because the Secretary of the Interior in his report holds that inasmuch as the Colorado River is an international stream and an interstate stream and a navigable stream, and the Grand River tributary is in itself an interstate stream, that the change of the name should not be left to the State legislatures, but should be considered by Congress, because of the large water appropriations and other Federal matters and maps and records involved. And your committee is largely acting upon that suggestion of the Secretary of the Interior in assuming jurisdiction and considering and recommending the resolution.

The official records produced at the hearing disclose that the Colorado River was discovered by the early Spanish explorers about the year 1540, and that from that time until about the year 1605 the river was given various names. But about the latter date it was called the Rio Colorado, meaning bright colored or red river, because of the reddish sandstone formation throughout many portions

of its canyons, and the reddish appearance of its waters at times when the rains wash down large quantities of the decomposed red sandstone. That for the past 300 years the river has been known as the Colorado River, one of the most unique, scenic, and marvelous rivers in the world.

That name naturally was intended to extend from its mouth in the Gulf of California up to its source, wherever that might be. The early Spanish explorers never explored or knew where the source of the Colorado River was. It was some 200 years after the Colorado River was named before the source of the stream was known. For many years the two main branches of the river—the Grand and the Green Rivers—were entirely unknown. Later explorers discovered those two streams and gave them various names, and many different reports of various explorers refer to those streams by different names. But approximately a hundred years ago the two streams became better known and began to be marked upon the maps as they are to-day, and have been so recognized ever since.

At the time the bill providing for the original creation of the Territory of Colorado was pending before the Thirty-sixth Congress it passed the House organizing the Territory and giving it the name of the "Territory of Idaho." After that in the debate in the Senate the Senators amended the bill by striking out the name "Idaho," and on February 4, 1861, they rechristened it "The Territory of Colorado," as was then expressly stated on the floor of the Senate, "For the reason that the Colorado River arose in its mountains, and there was a peculiar fitness in the name," and also because, "The name 'Colorado' is more appropriate and more harmonious, * * * and it is the handsomest name that could be given to any Territory or State." (Congressional Globe, Feb. 4, 1861, pp. 729-766.)

It was also shown to your committee from official reports that while the Green River is considerably longer than the Grand, that the Grand River is the larger of the two streams and furnishes much more of the water supplied to the Colorado River than does the Green River. And that the Grand is in reality the main stream and the source of the Colorado River, as was stated by the Senators at the time of the creation and the official naming of the Territory of Colorado. Your committee feels that by reason of the State of Colorado having been so expressly named after the Colorado River, as well as for the other reasons given at the hearing, that the State of Colorado is expressing a commendable sentiment, and has a patriotic right to have that river bear the name of "Colorado" from its mouth in the Gulf of California to its source in the Rocky Mountain National Park in the central portion of northern Colorado.

The Colorado River being an international stream, and the lower portion of the river being navigable, both by international treaty and in fact, and the Grand River being an interstate stream, your committee entertains no doubt as to its jurisdiction, or as to the propriety of Congress considering this measure.

There being no apparent reason sufficient in the judgment of your committee to counteract the expressed desire of the people of the State of Colorado to have this change made, your committee unanimously recommends the approval of this resolution.



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